

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SENATE BILL 1025**

AN ACT

AMENDING SECTIONS 15-891 AND 15-891.01, ARIZONA REVISED STATUTES; RELATING TO ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-891, Arizona Revised Statutes, is amended to  
3 read:

4           15-891. Arizona scholarships for pupils with disabilities  
5           program; good cause exceptions; definitions

6       A. The Arizona scholarships for pupils with disabilities program is  
7 established to provide pupils with disabilities with the option of attending  
8 any public school of the pupil's choice or receiving a scholarship to any  
9 qualified school of the pupil's choice.

10     B. The parent of a public school pupil with a disability who is  
11 dissatisfied with the pupil's progress may request and receive from the state  
12 a scholarship for the child to enroll in and attend any qualified school in  
13 accordance with this section if both of the following apply:

14       1. The child has spent the prior school year in attendance at a public  
15 school in this state.

16       2. The parent has obtained acceptance for admission of the pupil to a  
17 qualified school that is eligible for the program under this article and has  
18 notified the school district of the request for a scholarship at least sixty  
19 days before the date of the first scholarship payment. The parental  
20 notification must be through a communication directly to the school district  
21 or through the department of education to the school district in a manner  
22 that creates a written or electronic record of the notification and the date  
23 of receipt of the notification.

24     C. This section does not apply to a pupil who is enrolled in the state  
25 educational system for committed youth pursuant to chapter 11.1 of this  
26 title.

27     D. A scholarship awarded pursuant to this article remains in force  
28 until the pupil returns to a public school or graduates from high school,  
29 except that the pupil's parent may remove the pupil from the qualified school  
30 at any time and place the pupil in another qualified school that is eligible  
31 for participation in the Arizona scholarships for pupils with disabilities  
32 program or in a public school as provided in this article.

33     E. Notwithstanding the enrollment policies or desegregation provisions  
34 prescribed in article 1.1 of this chapter, a school district or charter  
35 school shall enroll any child pursuant to this article.

36     F. ON RECEIPT OF SUPPORTING DOCUMENTATION FROM THE PUPIL OR THE  
37 PUPIL'S PARENT OR GUARDIAN, FOR GOOD CAUSE SHOWN THE DEPARTMENT OF EDUCATION  
38 MAY PROVIDE FOR EXCEPTIONS TO THE ELIGIBILITY REQUIREMENTS PRESCRIBED IN  
39 SUBSECTION B OF THIS SECTION IF THE PUPIL WAS REMOVED FROM THE SCHOOL  
40 DISTRICT OR CHARTER SCHOOL DUE TO A MEDICAL OR MENTAL CRISIS THAT RESULTED IN  
41 HOSPITALIZATION, OUT OF HOME LIVING EDUCATIONAL EXPERIENCE, MENTAL HEALTH  
42 CARE THAT WAS BEYOND THE CAPABILITIES OF THE SCHOOL DISTRICT OR CHARTER  
43 SCHOOL TO PROVIDE OR IF THE SCHOOL DISTRICT CANNOT PROVIDE SERVICES REQUIRED  
44 IN A PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM IN THE PUPIL'S DISTRICT OF  
45 RESIDENCE.

1           F. G. For the purposes of this article:

2       1. "Pupil with a disability" means a child with a disability as  
3 defined in section 15-761 who has been issued an individualized education  
4 program as defined in section 15-761.

5       2. "Qualified school" means a nongovernmental primary school or  
6 secondary school or a preschool for handicapped students that is located in  
7 this state and that does not discriminate on the basis of race, color,  
8 handicap, familial status or national origin.

9       Sec. 2. Section 15-891.01, Arizona Revised Statutes, is amended to  
10 read:

11       15-891.01. Obligations of school districts and department of  
12 education

13       A. A school district shall timely notify the parent of each pupil with  
14 a disability of all options available pursuant to this article and offer that  
15 pupil's parent an opportunity to enroll the pupil in another public school  
16 within the district THAT HAS AVAILABLE SPACE AND THAT HAS A PROGRAM THAT  
17 COMPLIES WITH THE PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM. The parent is  
18 not required to accept this offer instead of requesting an Arizona  
19 scholarship to a qualified school. However, if the parent chooses the public  
20 school option, the pupil may continue attending a public school chosen by the  
21 parent until the pupil graduates from high school. The transportation  
22 provisions set forth in section 15-816.01 apply to pupils who participate in  
23 the scholarship program pursuant to this article.

24       B. If the parent chooses the qualified school option and the pupil is  
25 accepted by the qualified school pending the availability of space for the  
26 pupil, the parent of the pupil must notify the school district sixty days  
27 before the first scholarship payment and before enrolling the child in the  
28 qualified school to be eligible for the scholarship when space becomes  
29 available for the pupil in the qualified school.

30       C. The parent of a pupil may choose to enroll the pupil in and  
31 transport the pupil to a public school in an adjacent school district that  
32 has available space and that has a program that complies with the pupil's  
33 individualized education program, and that school district shall accept the  
34 pupil for admission to the public school.

35       D. If a parent of a pupil who resides in the school district and who  
36 participates in the Arizona scholarships for pupils with disabilities program  
37 requests that the pupil take any of the statewide tests prescribed by this  
38 title, the school district shall provide locations and times to take these  
39 statewide tests.

40       E. A school district shall notify the department of education within  
41 ten days after the school district receives notification of a parent's intent  
42 to apply for a scholarship for a pupil with a disability.